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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,417	02/22/2002	Rodney G. Moon	CHA920010020US1	1023
23550	7590	07/31/2006	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			MACKOWEY, ANTHONY M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,417	MOON ET AL.	
	Examiner	Art Unit	
	Anthony Mackowey	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 May 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-10,12-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-10,12-16 and 18-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

The amendment filed May 8, 2006 has been entered and made of record.

Applicant's arguments filed May 8, 2006 have been fully considered but they are not persuasive. Applicant asserts that it is well known in the art that electronic signals/waveforms need to be converted to digital data to be processed and that a magnetic read head inherently includes a mechanism to convert electronic signals to digital data. Applicant further asserts that Kruppa discloses converting to signals digital data and comparing them to images of MICR characters using a magnetic image processor. Examiner concedes that it is well known in the art to convert the signals to digital data to be processed. The Kruppa reference clearly shows an additional A/D converter performing the signal conversion, however it is clear the conversion is not performed by the magnetic read head itself. Applicant further asserts that the prior art teachings such as Kruppa enable the disclosure of the current application. The Examiner respectfully disagrees. What is at issue is not the conversion of analog signals to digital data, rather it is that the conversion system of the applicant's disclosure does not result in data (digital or otherwise) that would be recognizable to a convention MICR recognition engine because the signal/data output by the conversion system of the disclosed invention does not represent the same kind of information (digital or otherwise) a conventional MICR algorithm recognizes.

Specification

The amendment filed May 8, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment to the specification recites, "The result is a set of MICR format character data 24 that has the equivalent specifications of data obtained by, e.g., a 3890 system of IBM corporation that uses a multigap MICR read head." The original specification recited, "The result is a set of MICR format character data 24 that has the equivalent specifications of data obtained by a multigap MICR read head." While the original specification identifies the 3890 system uses a multigap read head (page 2, second paragraph), the original disclosure does not support such an amendment because the data obtained by the system in its entirety is not equivalent to data obtained only by the magnetic read head as had originally been disclosed. Nor does the amendment appear to be a clarification due to a typographical error or a minor oversight as the recitation of equivalency to the data obtained by a multigap read head appears several times in the disclosure (page 5, lines 17-18; page 6, lines 9-10).

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5-10, 12-16 and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Amended claims 1, 8, 15 and 22 now recite, “wherein the conversion system scales the character data to a pel density associated with data obtained by a character recognition device using a multigap MICR read head.” The claims have been amended in line with the amendment to the specification however the examiner has also objected to the amended specification as it has introduced new matter which was not supported by the original disclosure. Please see the discussion of the objection to the specification above, as the arguments presented are equally applicable to the claims.

Claims 1-3, 5-10, 12-16 and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The data resulting from the conversion system disclosed in the present application does not have equivalent specifications to the data obtained by a multigap MICR read head, thus the converted data when input into the MICR recognition algorithm would not result a meaningful recognition result.

Page 5, line 16 through page 6, line 10 describes the conversion system of the current invention and Fig. 1 depicts the whole character recognition system as well as the conversion system. The disclosed conversion system (both described and illustrated) consists of a scaling system and black and white format system. Page 6, lines 7-12 recites, "In addition to the scaling operation performed by the scaling system 20, black and white format system 22 converts scanned character data 16 from a grey-scale format to a black and white format. The result is a set of MICR format character data 24 that has the equivalent specifications of data obtained by a multigap MICR read head. The MICR format character data 24 is then inputted to a MICR recognition engine 26 that analyzes the data and outputs a set of recognized characters 30." The Examiner disagrees that the result of the conversion system has equivalent specifications of data obtained by a multigap MICR read head.

The information obtained by an OCR scanner is an array of pixel data. Pixel data input to a scaling system results in scaled pixel data, as does pixel data input to a black and white format system resulting in black and white (binarized) pixel data. Therefore the output of the conversion of the currently disclosed invention is scaled, black and white pixel data. In contrast the signal obtained by a MICR read head is pulses produced as the read head passes the boundaries of the magnetic and non-magnetic regions (Kruppa, col. 2, lines 10-29; also Franklin et al.), thus the signal/data obtained by magnetic read head corresponds to edge information, not pixel information. Even if the data obtained by the magnetic read head and the OCR scanner were digitized as suggested by applicant in the remarks of the current amendment, the digital data would not be equivalent because the real world characteristics they represent are not the same. Specifically, pixel data is not equivalent to edge data. If the data resulting from the conversion

system of the present invention were input into a conventional MICR algorithm a meaning full result would not be obtained because the data being input is pixel data, which is not what a conventional MICR engine recognizes.

One skilled in the art would not be able to make and/or use the invention as currently disclosed or claimed because the conversion system does not result in data that can be input into a conventional MICR recognition engine and result in meaningful character recognition. Additional processing is clearly required to convert the pixel data to data of equivalent specification to that obtained by a multigap MICR read head beyond scaling, black and white formatting and even digitization, however no such additional processing is disclosed or even implied by the original disclosure, nor could it be considered inherent.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

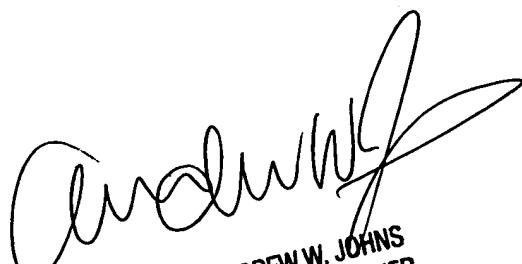
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM
7/21/06



ANDREW W. JOHNS
PRIMARY EXAMINER